

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
v. :
GOVERNOR MARK S. SCHWEIKER, et al., :
Defendants : NO. 02-2949

ORDER

AND NOW, this day of , 2004, it is ORDERED that
Plaintiff Wheeler's Motion for Leave to File a Supplemental Complaint (Document
118) is DENIED.

BY THE COURT:

TIMOTHY J. SAVAGE, J.

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DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
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GOVERNOR MARK S. SCHWEIKER, et al., :
Defendants : NO. 02-2949

**DEFENDANTS' RESPONSE TO PLAINTIFF WHEELER'S
LATEST MOTION FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT**

Plaintiff Aaron Christopher Wheeler has once again filed a Motion for Leave to File Supplemental Complaint (Document 118) in which he attempts to assert claims that do not arise out of the same transaction or occurrence as the original complaint or the Amended Complaint (Document 44) upon which this case has been proceeding. The original complaint and the Amended Complaint raise claims regarding the Pennsylvania Department of Corrections policy on mail sent to inmates by attorneys, courts, and elected officials. The proposed Supplemental Complaint relates to a search of plaintiff Savage's cell and a misconduct issued to plaintiff Savage.

The Court previously refused to let the plaintiffs bring personal claims unrelated to the attorney and court mail policy when it refused to let them file a supplemental complaint, struck two attempts to file an amended complaint, and denied another of Wheeler's motions for leave to file a supplemental complaint. *See* Orders dated August 14, 2002; September 17, 2002; April 22, 2003 (Documents Nos.

15, 19, 59, 61). The ruling should be no different now. If Mr. Wheeler feels that he has a new claim, he may file a new civil action.

Incidentally, Wheeler has filed an identical motion in the pending case of *Wheeler, et al. v. Shellenberger, et al.*, No. 03-CV-4826, which is assigned to Judge Yohn.

D. MICHAEL FISHER
ATTORNEY GENERAL

BY: s/ John O. J. Shellenberger
John O.J. Shellenberger
Chief Deputy Attorney General
Identification No. 09714

OFFICE OF ATTORNEY GENERAL
21 S. 12th Street, 3rd Floor
Philadelphia, PA 19107-3603
Telephone: (215) 560-2940
Fax: (215) 560-1031

CERTIFICATE OF SERVICE

I, John O. J. Shellenberger, hereby certify that the foregoing Defendants' Response to Plaintiff Wheeler's Motion for Leave to File a Supplemental Complaint has been filed electronically and is available for viewing and downloading from the ECF system. I further certify that true and correct copies of the foregoing Defendants' Response to Plaintiff Wheeler's Motion for Leave to File a Supplemental Complaint were mailed on January 21, 2004 by first class mail, postage prepaid, to:

Derrick Dale Fontroy, AY-7513;
Theodore B. Savage, CB-2674;
Aaron Christopher Wheeler, BZ-2590
James S. Pavlichko, DK-0199
State Correctional Institution
at Graterford
P.O. Box 244
Graterford, PA 19426-0244

D. MICHAEL FISHER
ATTORNEY GENERAL

BY: s/ John O. J. Shellenberger
John O.J. Shellenberger
Chief Deputy Attorney General
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